

Exhibit 32

SHIRLEY SARMIENTO

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST by and through
MARIELLE SHAVONNE SMITH and CHARIS HUMPHREY
on behalf of its members, SHAKETA REDDEN,
DORETHEA FRANKLIN, TANIQUA SIMMONS, DE'JON HALL,
JOSEPH BONDS, CHARLES PALMER, SHIRLEY SARMIENTO,
EBONY YELDON, and JANE DOE,
individually and on behalf of a class of all
others similarly situated,

Plaintiffs,

-vs-

CITY OF BUFFALO, N.Y., BYRON B. BROWN,
Mayor of the City of Buffalo, in his individual and
official capacities,
BYRON C. LOCKWOOD, Commissioner of the
Buffalo Police Department, in his individual
and official capacities,
DANIEL DERENDA, former Commissioner of the
Buffalo Police Department, in his individual capacity,
AARON YOUNG, KEVIN BRINKWORTH, PHILIP SERAFINI,
ROBBIN THOMAS,
UNKNOWN SUPERVISORY PERSONNEL 1-10,
UNKNOWN OFFICERS 1-20, each officers of the
Buffalo Police Department,
in their individual capacities,

Defendants.

Examination Before Trial of
SHIRLEY SARMIENTO, Plaintiff, taken pursuant to the Federal
Rules of Civil Procedure, in the law offices of HODGSON RUSS
LLP, The Guaranty Building, 140 Pearl Street, Suite 100,
Buffalo, New York, taken on December 13, 2022, commencing at
2:05 P.M., before NICHOLE WINANS, Notary Public.

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1 APPEARANCES:

2 WESTERN NEW YORK LAW CENTER,
3 By KEISHA A. WILLIAMS, ESQ.,
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6 Suite 210,
7 Buffalo, New York 14202,
8 Appearng for the Plaintiffs.

9 NATIONAL CENTER FOR LAW AND ECONOMIC JUSTICE,
10 By KARINA K. TEFFT, ESQ.,
11 50 Broadway,
12 Suite 1500,
13 New York, New York 10004,
14 Appearng for the Plaintiffs.

15 HODGSON RUSS LLP,
16 By PETER A. SAHASRABUDHE, ESQ.,
17 The Guaranty Building,
18 140 Pearl Street,
19 Suite 100,
20 Buffalo, New York 14202-4040,
21 Appearng for the Defendants.

22

23

15 (The following stipulations were entered
16 into by all parties.)

17 It is hereby stipulated by and between counsel
18 for the respective parties that the oath of the
19 Referee is waived, that signing, filing and
20 certification of the transcript are waived, and
21 that all objections, except as to the form of the
22 questions, are reserved until the time of trial.

23

7 | EXAMINATION BY MR. SAHASRABUDHE:

9 Q. Good morning.

10 A. Good morning.

11 Q. My name is Peter Sahasrabudhe, I'm an attorney
12 here at Hodgson Russ. I represent the Defendants
13 in a lawsuit that you and some other Plaintiffs
14 have filed. My first question for you is how do
15 you pronounce your last name?

16 A. Sarmiento.

17 Q. Sarmiento. Okay. Well, it's nice to meet you
18 Miss Sarmiento. My first question other than how
19 to pronounce your last name is have you ever
20 given deposition testimony before?

21 A. I don't remember.

22 Q. Okay. Have you ever given sworn testimony in
23 court or anything like that?

1 A. I don't remember.

2 Q. Okay.

3 A. As far as I know, I don't think so, no.

4 Q. All right. Well, there's a couple ground rules
5 that are going to apply here today that I want to
6 go over with you before we get started. Okay?

7 A. Um-hum.

8 Q. So the first rule is you have to give complete
9 verbal answers to my questions. So oftentimes
10 you'll say um-hum or an uh-uh, and I'll know
11 exactly what you're saying, but it doesn't get
12 really transcribed well, so to the best of your
13 ability, can you try to answer my question with a
14 full verbal response even if that's just a yes or
15 a no?

16 A. Yes.

17 Q. Okay. You understand that a full verbal response
18 is needed from here going forward?

19 A. Yes.

20 Q. Okay. Great. Another thing is let's try not to
21 talk over each other. Sometimes it can get very
22 difficult for our kind court reporter here to
23 transcribe what's happening if you answer before

1 I finish the question, or if I jump in with a new
2 question before you finish your answer, so to the
3 best of your ability, will you try to let me
4 finish my question before you give an answer?

5 A. Yes.

6 Q. Okay. And conversely, I'll do my best to let you
7 finish your response before I jump into another
8 question. Okay?

9 A. Thank you.

10 Q. If you don't understand a question, if it's a
11 poorly phrased question or just confusing, which
12 happens a lot, just let me know, and I'll
13 rephrase it and try to ask a better question or
14 ask it in a way that's clear and more
15 understandable. But if you don't understand a
16 question that I ask you, can you tell me that
17 you'll let me know?

18 A. Yes.

19 Q. Okay. And conversely, if you do answer my
20 question without asking me to rephrase or to
21 specify, I'm going to take that to mean that you
22 did understand what I asked you. Is that fair?

23 A. Yes.

1 Q. Okay. You're under oath, do you understand what
2 that means?

3 A. Yes.

4 Q. You understand you're required to give truthful
5 and accurate testimony?

6 A. Yes.

7 Q. Any reason why you'd be unable to give truthful
8 and accurate testimony today that you want to
9 tell me about?

10 A. No.

11 Q. Okay. You're not under the influence of any
12 medications or anything like that that would
13 affect your ability to recall things accurately?

14 A. No. Thank goodness.

15 Q. Okay. We can take a break at any time, any time
16 you need, that's totally fine. The one thing
17 that I would ask is that if there's a question
18 pending, you answer the question first and then
19 we take the break. Do you understand that?

20 A. Yes.

21 Q. Okay. I don't want you to guess or speculate
22 today. But the caveat to that is there may be
23 times when I ask you to provide an estimate. Do

1 you understand the difference between a guess and
2 an estimate?

3 A. Yes.

4 Q. Okay. Could you tell me what your understanding
5 is between -- what your understanding of the
6 difference between a guess and an estimate is?

7 A. Guess maybe you got on blue shoes, estimate is
8 more precise.

9 Q. Okay. Meaning you have some basis for your
10 estimate, where, in other words, you have no
11 basis for a guess or a speculation, would that be
12 correct?

13 A. Yes.

14 Q. Okay. So there may be times today where I want
15 you to estimate, but at no point do I want you to
16 guess or speculate. Do you understand?

17 A. Yes, I understand that.

18 Q. Okay. And fair for me to assume, unless you tell
19 me going forward, that you aren't guessing or
20 speculating if you do, in fact, respond to my
21 questions?

22 A. Say that again.

23 Q. Yes. Unless you tell me that you are guessing or

1 speculating, can I assume that you are not
2 guessing or speculating if you're providing an
3 answer to my questions going forward?

4 A. Oh, okay. Yes.

5 Q. Okay. From time to time your attorney may object
6 to my questions, this isn't like a courtroom
7 proceeding though where the Judge would rule on
8 the objection, she's just stating the objection
9 to preserve it for the record. So if an
10 objection is stated, you have to still respond to
11 my question unless your attorney specifically
12 instructs you not to answer the question. Do you
13 understand that?

14 A. Yes.

15 Q. Okay. All right. Miss Sarmiento, what did you
16 do to prepare for your deposition today?

17 A. Met with my lawyers for a couple hours.

18 Q. How many meetings did you have with your lawyers?

19 A. Two.

20 Q. When approximately were those two meetings?

21 A. Before the big snowstorm, whenever that was.

22 Q. Okay. So about two, two and a half weeks ago?

23 A. Yes.

1 Q. All right. And were both meetings before the
2 snowstorm?

3 A. No. I think one was before the snowstorm, and
4 one was after the snowstorm.

5 Q. Okay. And you said they were a couple hours, is
6 that true of both meetings --

7 A. Yes.

8 Q. They were both a couple hours?

9 A. Yes. Both a couple hours.

10 Q. Okay. Did you review any documents during those
11 meetings?

12 A. I looked at a few.

13 Q. Do you recall which documents you looked at?

14 A. Not really.

15 Q. Okay. Do you recall how many documents you
16 reviewed?

17 A. A lot.

18 Q. Okay. Well, we're going to go to some, but fair
19 to say you can't recall specifically any document
20 that you looked at, as you sit here today?

21 A. No. Except the one with my name on it and
22 address, that's the one I remember.

23 Q. Okay. And we're going to talk about that

1 document a little later. And I appreciate that
2 clarification. Any other documents you can
3 remember?

4 A. I can't remember all that stuff, no.

5 Q. Okay. Have you spoken with anyone other than
6 your attorney about your deposition testimony
7 today?

8 A. No.

9 Q. Okay. No one at all?

10 A. No.

11 Q. All right. Have you spoken with any Plaintiff in
12 this lawsuit at any time?

13 A. No.

14 Q. As far as you're aware, do you know any Plaintiff
15 in this lawsuit?

16 A. I know the names from being on the lawsuit.

17 Q. Do you know them personally?

18 A. No, I don't.

19 Q. Okay. Are you affiliated in any way with an
20 organization known as Black Love Resists In The
21 Rust?

22 A. No.

23 Q. Have you ever heard of that organization?

1 A. Yes.

2 Q. Prior to being involved with this lawsuit had you
3 heard of that organization?

4 A. Yes.

5 Q. How had you heard of that organization?

6 A. By reading, and I keep up.

7 Q. Okay. Where did you read about that --

8 A. Challenger.

9 Q. So just let me finish the question first.

10 A. Oh.

11 Q. Just so she can take everything down. It's okay.

12 So you read about it in a publication entitled
13 Challenger?

14 A. The newspaper Challenger, Buffalo Challenger.

15 Q. Okay. And how many times did you read about it?

16 A. I can't remember. I just read the Challenger
17 when I get it.

18 Q. What did you learn about that organization when
19 you read about it?

20 A. I don't really remember. All I know is it was
21 loving the Black Love In The Rust Belt.

22 Q. Okay. So you recall having read the name in the
23 Challenger, but don't remember specifics about

1 what you read?

2 A. I don't remember about what they do.

3 Q. Okay. As far as you're aware, have you ever
4 talked to any member of the organization?

5 A. No.

6 Q. What is your date of birth?

7 A. [REDACTED]

8 Q. Have you ever gone by any names other than
9 Shirley Sarmiento?

10 A. I was married a couple times.

11 Q. What other names have you gone by?

12 A. Reeves and Sarmiento.

13 Q. Okay.

14 A. Married and divorced.

15 Q. Understood. So the last name Reeves was from a
16 prior marriage?

17 A. Yes.

18 Q. Are you currently married?

19 A. No.

20 Q. You have however been married before?

21 A. Yes.

22 Q. How many times?

23 A. Two.

1 Q. When was your first marriage?

2 A. I don't know. I don't remember.

3 Q. Was it more than twenty years ago?

4 A. Yes.

5 Q. Okay. Was it more than forty years ago?

6 A. Yes.

7 Q. Do you recall, were you quite young when you
8 first got married?

9 A. Sorry. Yes.

10 Q. Okay. Do you recall about how old you were?

11 A. Twenties.

12 Q. And what was your first husband's name?

13 A. Robert.

14 Q. Was Robert's last name Reeves?

15 A. Yes.

16 Q. How long were you married to Robert Reeves for?

17 A. I don't know. Thirteen, fourteen years,
18 something like that.

19 Q. Did you or do you and Mr. Reeves have any
20 children together?

21 A. Yes.

22 Q. How many?

23 A. One.

1 Q. Is your child a boy or a girl?

2 A. Girl.

3 Q. How old is your daughter?

4 A. About fifty-ish.

5 Q. What's her name?

6 A. [REDACTED]

7 Q. How do you spell the first name?

8 A. [REDACTED]

9 Q. Does she live here in the City of Buffalo?

10 A. No.

11 Q. Where does she live?

12 A. Texas.

13 Q. What does she do in Texas?

14 A. I'm not sure.

15 Q. Okay. Was she still under the age of eighteen
16 when you and Mr. Reeves were divorced?

17 A. I don't know. I don't remember.

18 Q. Okay. After you got divorced did she live with
19 you, after you and Mr. Reeves got divorced, did
20 your daughter live with you?

21 A. Yes.

22 Q. Okay. Was she going to school at that time?

23 A. Of course she was in school.

1 Q. Okay.

2 A. She was younger.

3 Q. So she was below eighteen years of age then?

4 A. Yes.

5 Q. Okay. Did you split time with Mr. Reeves having
6 your daughter at your house or did she just live
7 with you?

8 A. Say it again.

9 Q. After you and Mr. Reeves were divorced, did the
10 two of you -- withdrawn. After you and Mr.
11 Reeves were divorced, did your daughter spend
12 part-time living with him and part-time living
13 with you --

14 A. No.

15 Q. -- or did she only live with you?

16 A. Only lived with me.

17 Q. Okay. And she's your only child of that --

18 A. Yes.

19 Q. -- first marriage?

20 A. Yes. Yes.

21 Q. Okay. And just try to let me finish the
22 question.

23 A. Oh, okay.

1 Q. No, you're doing great, and it happens. You can
2 tell what I'm --

3 A. I am just racing.

4 Q. Yes. Best you can, just let me finish, just so
5 she can transcribe what we're saying.

6 A. Oh, okay. I forgot about that.

7 Q. It's okay. So you were married a second time?

8 A. Yes.

9 Q. Who did you marry, who was your second husband?

10 A. William.

11 Q. Is William's last name Sarmiento?

12 A. Yes.

13 Q. Is William still alive?

14 A. No.

15 Q. Did you and William have any children together?

16 A. No.

17 Q. Okay. Approximately when did William pass away,
18 if you remember?

19 A. I don't remember.

20 Q. Would it have been more than ten years ago?

21 A. I don't remember.

22 Q. Okay. Would it have been multiple years ago,
23 more than one year ago?

1 A. Yes. It would have been, yeah.

2 Q. Okay. At the time of his death, did you live
3 with William here in Buffalo?

4 A. No.

5 Q. Where did you live?

6 A. Where did I live?

7 Q. Yes.

8 A. Marine Drive.

9 Q. Okay. So you were not living with him at the
10 time of his death?

11 A. No.

12 Q. Where was he living?

13 A. Good question, I don't know.

14 Q. Okay. Did the two of you ever become divorced?

15 A. Yes.

16 Q. I see. And you just kept the last name
17 Sarmiento?

18 A. Yes.

19 Q. I understand. When approximately did you and
20 William become divorced?

21 A. I don't remember.

22 Q. Okay. Do you recall approximately how old you
23 were when you got married to William?

1 A. Close to forty.

2 Q. Close to forty. Okay.

3 A. I would say.

4 Q. And do you recall approximately how long your
5 marriage lasted before you got divorced?

6 A. Approximately about sixteen, seventeen years.

7 Q. Okay. And that's an estimate, right?

8 A. Yes.

9 Q. That's not a guess?

10 A. Estimate I guess.

11 Q. Okay.

12 A. An estimate I guess. I can't remember all that
13 stuff.

14 Q. Do you have any grandchildren?

15 A. Yes, I do.

16 Q. How many grandchildren do you have?

17 A. Three boys.

18 Q. All the sons of your daughter that you told us
19 about earlier?

20 A. Yes.

21 Q. Do they live in the City of Buffalo? Do your
22 grandchildren live in the City of Buffalo?

23 A. No.

1 Q. Okay. How old are they?

2 A. I don't know. I know the youngest one is maybe
3 -- I don't know. Fourteen, fifteen.

4 Q. Are they all either teenagers or in their early
5 twenties?

6 A. Could possibly, don't quote me on it. I don't
7 know. I don't know exactly.

8 Q. They are all at least teenagers, fair to say?

9 A. Yes.

10 Q. Okay. How often do you see your grandkids?

11 A. Whenever they want to see me, that's all I can
12 tell you.

13 Q. Do they live in Texas?

14 A. Some of them.

15 Q. Well, okay. How many of your grandchildren live
16 in Texas?

17 A. I think maybe one might live in Texas.

18 Q. Where do the others live?

19 A. Rochester.

20 Q. I see. Were they raised by your daughter in
21 Texas?

22 A. They were raised by my daughter wherever she
23 lived.

1 Q. Okay. And at some point did your daughter live
2 in Rochester?

3 A. Yes.

4 Q. For about how long?

5 A. I don't know.

6 Q. Okay.

7 A. That I can't keep up.

8 Q. What does your daughter do for a living?

9 A. She is a -- well, I don't know what she do, but I
10 know she graduated from the University of
11 Buffalo, librarian -- what do you call it, I'm
12 not sure, but it's communications, something
13 librarian, something.

14 Q. Okay. You mentioned your address already, but
15 could you just remind us what your current
16 address is?

17 A. 205 Marine Drive, apartment 4-D, Buffalo, New
18 York 14202.

19 Q. How long have you lived there?

20 A. Forty-two years.

21 Q. So for over four decades that's been your
22 residence?

23 A. Yes.

1 Q. Do you own or rent?

2 A. Rent.

3 Q. Okay. And has that been the case the whole time
4 that you've lived there, you've rented, paid rent
5 the whole time that you lived there? In other
6 words, you've never owned the place?

7 A. No. It was a co-op, but that's another story.

8 Yes, I just pay rent.

9 Q. Okay. Where did you live before your current
10 address?

11 A. In Williamsville someplace. Williamsville. In a
12 Williamsville apartment.

13 Q. You can't remember the specific address, but you
14 know it was in Williamsville?

15 A. Yeah. I'm thinking Williamsville or Cheektowaga.
16 Williamsville or Cheektowaga, something like
17 that.

18 Q. Okay. And that would have been well over forty
19 years ago?

20 A. I'm sure, yes.

21 Q. Okay. Where did you grow up?

22 A. East Side of Buffalo.

23 Q. And where you live currently, would you say that

1 that is also on the East Side of Buffalo?

2 A. I think it is.

3 Q. When you say I think it is --

4 A. Because it's split, I think it is. I think it's
5 East Side, but then some people say Niagara, so I
6 don't know.

7 Q. Okay. Some people might not describe it as the
8 East Side of Buffalo?

9 A. Right.

10 Q. Why is that, if you know?

11 A. I don't know.

12 Q. Okay.

13 A. That's just me, because I came from the East Side
14 of Buffalo.

15 Q. People have different opinions on where the East
16 Side begins --

17 A. Yes.

18 Q. -- and where the East Side ends? Is that a yes?

19 A. Yes.

20 Q. Just want to make sure I finish my question.

21 Where did you go to school growing up?

22 A. 31.

23 Q. And what grade did you attend, what was the last

1 grade you attended at School 31?

2 A. Eighth.

3 Q. And did you go onto high school?

4 A. Yes.

5 Q. Where did you go to high school?

6 A. East High School.

7 Q. Did you graduate?

8 A. Yes.

9 Q. Did you attend college after graduating?

10 A. Yes.

11 Q. Where did you attend?

12 A. Medaille.

13 Q. Did you graduate from Medaille?

14 A. Yes.

15 Q. What did you study there? Well, I'll ask a
16 better question. Do you recall what your major
17 was?

18 A. Human services.

19 Q. How long did it take you to get your degree in
20 human services from Medaille?

21 A. A while.

22 Q. Was it more than four years?

23 A. No. It took about four.

1 Q. Any other degrees besides your degree in human
2 services from Medaille?

3 A. UB.

4 Q. What did you study at UB?

5 A. American studies.

6 Q. And was that a graduate program?

7 A. Yes.

8 Q. How many -- well, first, did you complete your
9 certificate --

10 A. Yes.

11 Q. -- or your degree in American studies?

12 A. Yes.

13 Q. How long did that take you?

14 A. A couple of years.

15 Q. Approximately when did you finish your degree in
16 American studies?

17 A. I'm not sure. Approximately 2001, 2000, I don't
18 know, something like that.

19 Q. In between -- was there any time in between when
20 you finished high school and when you went to
21 Medaille or did you go right there after high
22 school?

23 A. Oh, yeah. I worked.

1 Q. Okay. So you worked in between --

2 A. Yes.

3 Q. -- finishing high school and starting at
4 Medaille?

5 A. Yes.

6 Q. How about finishing at Medaille and attending UB
7 for grad school?

8 A. Worked. I worked all the time.

9 Q. Okay. Do you recall how -- or, do you recall
10 approximately what year you graduated from high
11 school?

12 A. Oh, Lord. Sometime in the '60s.

13 Q. Okay. How about Medaille, do you recall
14 approximately what time you graduated from
15 Medaille?

16 A. No. I don't remember. I could have brought all
17 them papers.

18 Q. Do you recall the decade, would it have been the
19 '70s?

20 A. From Medaille?

21 Q. Yes.

22 A. No.

23 Q. Would it have been the '80s?

1 A. '80 something.

2 Q. Okay. And I believe you told us already it was
3 the early 2000s when you would have graduated
4 from UB and got your graduate degree, is that
5 correct?

6 A. Yes.

7 Q. And so the gaps in between each step of your
8 education, you were employed full-time during
9 those gaps, is that correct?

10 A. Correct.

11 Q. Okay. How about after UB, have you received any
12 degrees or certifications?

13 A. Yes.

14 Q. Okay. Can you tell us about those?

15 A. Yeah, but no dates and stuff, I can't remember.
16 From the SBA, Small Business Administration,
17 Susan McCarthy, and some other stuff.

18 Q. Okay.

19 A. Can't remember.

20 Q. Well, let's start with the SBA, Susan McCarthy
21 administration, is that what you said?

22 A. Um-hum.

23 Q. Can you tell us exactly what that is?

1 A. SBA, Small Business Administration.

2 Q. So is that something you attend classes for?

3 A. Yes.

4 Q. Where do you attend those classes?

5 A. Buff State.

6 Q. Okay. And did you receive a degree as a result
7 of having gone to classes in that program?

8 A. Certificate.

9 Q. Certificate. And what is the certificate called?

10 A. I have no idea. Entrepreneurship something.

11 Q. Okay. And how long did it take you to get that
12 certificate?

13 A. A while. I don't know. I don't really remember.

14 Q. Would you have gotten that certificate after you
15 graduated from UB?

16 A. Absolutely, yes.

17 Q. All right. Any other degrees or certificates
18 that you can remember?

19 A. No.

20 Q. Is it possible that there are others that you
21 just can't remember right now?

22 A. Maybe.

23 Q. Okay. I want to talk a little bit about your job

1 history if we could. Are you currently employed?
2 A. No.
3 Q. How long -- are you retired?
4 A. Yes.
5 Q. How long have you been retired for?
6 A. I don't remember.
7 Q. Is it more than ten years?
8 A. Yes.
9 Q. Before you retired, what did you do?
10 A. Learning Disabilities Association.
11 Q. What did you do for the Learning Disabilities
12 Association?
13 A. Social worker. I do remember that.
14 Q. Can you tell us what your job responsibilities
15 were in connection with being a social worker?
16 A. Helping people. Helping people in their -- what
17 do you call it, handicap, disabled children.
18 Q. Okay. Did you work primarily with kids as a
19 social worker?
20 A. I worked with kids and their parents.
21 Q. Okay. Did it always in some way involve children
22 with disabilities though?
23 A. Yes.

1 Q. Okay. And how many years did you do that for?

2 A. I don't know, two or three.

3 Q. What did you do before you were a social worker?

4 A. I don't know. I can't remember them, but one of
5 the places I remember I worked at the
6 International Peace Center for about eight or
7 nine years.

8 Q. Were you a social worker there as well?

9 A. No. I was conflict resolution.

10 Q. Can you name the place that you worked at again,
11 International, I didn't catch it?

12 A. Peace Center.

13 Q. First of all, do you recall about how much you
14 got paid when you were a social worker?

15 A. From Learning Disabilities Association or --

16 Q. Yes. Or your hourly pay rate or did you have a
17 salary, do you recall any details?

18 A. I know what you're saying, but I can't recall it.
19 I don't know.

20 Q. You don't remember one way or the other?

21 A. Um-um.

22 Q. Okay. And you said you were a conflict
23 resolution specialist or just a conflict

1 resolution?

2 A. Person on staff.

3 Q. Person on staff at the International Peace
4 Center --

5 A. Let me correct you on that. The Western New York
6 Peace Center.

7 Q. Okay. So you were a conflict resolution person
8 on staff for the Western New York Peace Center
9 for eight or nine years?

10 A. Yes.

11 Q. What did your job responsibilities entail when
12 you held that position?

13 A. Education, educating people on the issues, like
14 national issues, international issues and stuff
15 like that.

16 Q. When you say educating people, was there a
17 specific group or population?

18 A. Schools, colleges.

19 Q. Would it have been schools and colleges around
20 the Buffalo area?

21 A. All over. Georgia, different places.

22 Q. Okay. Any other long-term employment you can
23 remember that you haven't told us about?

1 A. Langston Hughes, I was a court advocate.

2 Q. What did you do as a court advocate?

3 A. Represent African American males fifteen to
4 thirty-five.

5 Q. In what type of proceedings?

6 A. Like city, is that -- am I saying that right?
7 Like first time offender people that you take,
8 almost like probation people.

9 Q. Okay.

10 A. I'm not saying it right, but --

11 Q. That makes sense. Was it individuals who had
12 been convicted of a crime?

13 A. Yes.

14 Q. All right. And was it part of their probationary
15 or rehabilitative process, the work you did with
16 them?

17 A. Correct.

18 Q. Okay. And you said Langston Hughes?

19 A. Yes.

20 Q. Is that -- I know who Langston Hughes is, but is
21 that a place here in Buffalo?

22 A. It was a place, yes.

23 Q. Okay.

1 A. It was a place on High Street, across from
2 Buffalo General Hospital.

3 Q. I see. Did it have -- was there more to the name
4 or was it called Langston Hughes, just that?

5 A. No. Langston Hughes, I think it's Langston
6 Hughes Center.

7 Q. Okay. And how long did you work for Langston
8 Hughes?

9 A. About eight or nine years.

10 Q. Eight or nine years employed by Langston Hughes?

11 A. Um-hum. Yes.

12 Q. Any other long-term employment that you can think
13 of that you haven't told us about yet?

14 A. I can't remember. But I had some short. UB, I
15 worked at UB in the department, I don't know, I
16 can't remember all that.

17 Q. Would it be fair to say though that for the last
18 ten years you've been retired?

19 A. Yes.

20 Q. Okay. Fair enough. And you haven't worked at
21 all --

22 A. No.

23 Q. -- for the last ten years?

1 A. No.

2 Q. Okay. And just try to let me finish my question
3 again. Sorry.

4 A. Oh, okay. Well, you looked at me --

5 Q. I know. Just trying to get the answer. So
6 that's a no, you haven't worked for the last ten
7 years?

8 A. Correct.

9 Q. All right. Do you currently have a driver's
10 license?

11 A. Yes.

12 Q. For how long have you had a driver's license?

13 A. Are you kidding?

14 Q. I'll ask a better question. Did you get your
15 driver's license around when you were sixteen?

16 A. Yes.

17 Q. Okay. Have you ever had your driver's license
18 suspended in between now and then?

19 A. I don't recall.

20 Q. As far as you're aware, have you had a valid
21 driver's license in between first getting it when
22 you were sixteen and currently?

23 A. Yes.

1 Q. Okay. How often would you say you drive?

2 A. When, like during the week or --

3 Q. Yes. During the weekdays, from Monday to Friday,
4 about how often would you say you drive?

5 A. I really can't say, pinpoint it.

6 Q. Would you say that you drive on a daily basis?

7 A. Every other day or something like that.

8 Q. So you don't drive every single day, but it would
9 be rare that a week would go by where you didn't
10 drive at all?

11 A. Correct.

12 Q. Okay. When was the last time you received a
13 ticket for a vehicle and traffic violation?

14 A. The last time I got one from them, or whatever,
15 the people -- from the city people.

16 Q. Okay. And we're going to talk about some of the
17 instances alleged in your Complaint, but I guess
18 I'll ask it this way. In the past year, have you
19 received any citation or ticket for a violation
20 of the Vehicle and Traffic Law?

21 A. No.

22 Q. How about in the past two years?

23 A. No.

1 Q. Since the pandemic, have you received any
2 citations for vehicle and traffic violations?

3 A. No. Not that I recall.

4 Q. If I use the phrase vehicle and traffic safety
5 checkpoint, would you understand what I was
6 referring to?

7 A. Yes.

8 Q. Can you tell me what your understanding of a
9 vehicle and traffic safety checkpoint is?

10 A. A bunch of police stopping people.

11 Q. Okay. Meaning, in other words, cars have to stop
12 for police who stop all cars that are driving
13 towards them, correct?

14 MS. WILLIAMS: Objection.

15 BY MR. SAHASRABUDHE:

16 Q. You can answer.

17 MS. WILLIAMS: Yes, you can answer. I'm sorry.

18 THE WITNESS: Oh, okay. Say it again. I'm listening
19 to her.

20 BY MR. SAHASRABUDHE:

21 Q. Meaning cars have to stop when they're driving in
22 the direction of the police who have set up a
23 road stop, correct?

1 A. That's what I understand it to be, yes.

2 Q. Okay. Have you ever had to go through one of
3 those in the City of Buffalo?

4 A. No.

5 Q. Okay. Never driven through one?

6 A. No.

7 Q. All right. I'm going to show you what we marked
8 at a previous deposition as Defendant's Exhibit

9 A. So I'll represent to you that this is an
10 Amended Complaint filed by your attorneys on
11 behalf of you and some other Plaintiffs, and my
12 first question to you is have you ever seen this
13 document?

14 A. Yes.

15 Q. How many times have you seen it? And if you need
16 some time to flip through it, take your time.

17 A. A couple of times I've seen it.

18 Q. Is this one of the documents you reviewed in
19 preparation for today?

20 A. Yes.

21 Q. All right. How long did you spend going over
22 this document?

23 A. A while.

1 Q. Okay. More than an hour?

2 A. Yes.

3 Q. Before you saw this document in preparation for
4 today, when else did you see it?

5 A. When they were supposed to do it before.

6 Q. Okay. Other than in preparation for testifying
7 for your deposition, have you ever seen this
8 document before that?

9 A. Say that again.

10 Q. Yes. When you said when they were supposed to do
11 it before, were you talking about, we had your
12 deposition scheduled for a couple weeks ago, but
13 we had to reschedule due to the weather, correct?

14 A. Correct.

15 Q. So that would have been another instance where
16 you reviewed this document?

17 A. Yes.

18 Q. Okay. Other than those two times when you were
19 preparing to give deposition testimony, have
20 there been any other instances where you've
21 reviewed what we marked as Defendant's Exhibit A?

22 A. When they first started.

23 Q. Okay. When the lawsuit was filed?

1 A. Yeah, something like that.

2 Q. All right. Do you recall whether you reviewed it
3 before or after it was filed? And if you don't
4 know --

5 A. I don't know. I can't remember that.

6 Q. Okay. If we could, I want you to just, if you
7 could turn to paragraphs three sixty-one through
8 three seventy-seven. And just take a minute to
9 review them, and let me know when you feel like
10 you've had enough time. It will go onto the next
11 page.

12 A. All right. Okay.

13 Q. Okay. Fair to say that paragraphs three
14 sixty-one through three seventy-seven describe
15 some instances where you were given parking
16 tickets?

17 MS. WILLIAMS: Could you repeat the paragraphs again?

18 BY MR. SAHASRABUDHE:

19 Q. Just the paragraphs that you reviewed just now,
20 fair to say that those describe some instances
21 where you were given some parking tickets?

22 A. Yes.

23 Q. Okay. So I want to walk through each instance

1 that's described in the Complaint, if we could.

2 So let's start at paragraph three sixty-six. Do
3 you see that?

4 A. Yes.

5 Q. Okay. So this describes an instance where you
6 woke up at your current address, correct?

7 A. Correct.

8 Q. And you went outside, and found two parking
9 tickets on your vehicle?

10 A. Yes.

11 Q. Okay. By the way, I didn't ask this, but do you
12 own your own vehicle currently?

13 A. Yes, I do.

14 Q. How long have you owned the vehicle that you
15 currently drive?

16 A. I don't know. I just own it. I don't know.

17 Q. Okay. In the past ten years have there been any
18 points in which you did not own a car that you
19 could drive?

20 A. Say that again.

21 Q. In the past ten years have you ever been without
22 a car?

23 A. No. Not as I recall.

1 Q. Okay. So in this instance, in going back to
2 paragraph three sixty-six of Defendant's Exhibit
3 A, do you recall this specific instance
4 independently of having read about it in the
5 Complaint?

6 A. I don't recall it right now, but I know that it
7 happened.

8 Q. Okay.

9 A. I can't, you know --

10 Q. Well, let me ask you this. Do you know what time
11 of day it was when you went outside and found
12 those two tickets that are described in paragraph
13 three sixty-six?

14 A. No. It could probably be in the afternoon or
15 either the following day. With the date on the
16 ticket, you know.

17 Q. So in other words, do you recall how long you had
18 been inside your home before -- withdrawn. When
19 you parked that day at the housing unit where you
20 live, I assume you didn't have any parking
21 tickets on your windshield, is that correct?

22 A. Correct.

23 Q. Okay. Do you recall how long you were inside

1 your home in between parking and going in your
2 home and then coming out to find the two tickets?

3 MS. WILLIAMS: Objection. You can answer.

4 THE WITNESS: No. I don't know. I don't remember.

5 BY MR. SAHASRABUDHE:

6 Q. Okay. Do you recall if one way or the other if
7 you had been parked outside for multiple days
8 before coming back and finding the two tickets on
9 your car?

10 A. I can't remember that. I can't remember. It's
11 too far back.

12 Q. And would it be fair to say that these parking
13 tickets were for having an expired registration
14 sticker?

15 A. Yes.

16 Q. Or pardon me --

17 MS. WILLIAMS: Objection.

18 BY MR. SAHASRABUDHE:

19 Q. Yes. Expired inspection sticker?

20 A. Wait a minute. Where are you? I'm getting lost.
21 Three sixty-six?

22 MS. WILLIAMS: Yes.

23 THE WITNESS: Okay. Repeat that again.

1 BY MR. SAHASRABUDHE:

2 Q. In March 2018 when you got these two tickets,
3 when you found these two tickets on your
4 windshield, would it be fair to say that you
5 received them for having an expired inspection
6 sticker?

7 A. Yes.

8 Q. Do you recall one way or the other whether or not
9 at that time your inspection sticker had, in
10 fact, expired?

11 A. Yes.

12 Q. Had it expired?

13 A. Yes. That's what I thought.

14 Q. Okay. So there --

15 A. That's what they gave me the ticket for.

16 Q. Okay. So your inspection sticker was, in fact,
17 expired?

18 A. Yes.

19 Q. All right. Now, on paragraph three sixty-eight
20 it says you paid eighty dollars to resolve those
21 tickets. Do you recall having paid eighty
22 dollars?

23 A. Yes, I do.

1 Q. Okay. If we can go to the next page.

2 Referencing paragraph three sixty-nine of
3 Defendant's Exhibit A specifically. It says in
4 March of 2019 you again awoke to find an expired
5 -- a ticket for an expired inspection sticker on
6 your car, correct?

7 A. Correct.

8 Q. All right. And that's approximately a year after
9 this incident where you had two parking tickets?

10 A. Yes.

11 Q. Okay. In this instance, did you only have one
12 parking ticket on your car?

13 A. It looks like it, if I only paid forty dollars.

14 Q. To the best of your recollection, would it have
15 only have been one ticket instead of two?

16 A. If I paid forty dollars, I think it was one.

17 Q. Do you recall one way or the other whether your
18 inspection sticker had, in fact, expired during
19 this instance, during this instance in March
20 2019, was your inspection sticker, in fact,
21 expired?

22 A. Yes. If I paid the ticket, it would have been.

23 Q. You can put that down for one second. We will go

1 back to that in a minute.

2 MR. SAHASRABUDHE: Can you mark that as Defendant's
3 Exhibit D.

4

5 (Whereupon, Sarmiento's Receipts were then
6 received and marked as Defendant's Exhibit D, for
7 identification.)

8

9 BY MR. SAHASRABUDHE:

10 Q. Miss Sarmiento, you have your own copy --

11 A. Okay.

12 Q. -- of what's been marked as Defendant's Exhibit
13 D. Have you ever seen this document before?

14 A. I think so. As I recall.

15 Q. Do you -- and for purposes of the record. This
16 is Bates stamped Sarmiento 1 at the bottom, and
17 this is a document we got from your attorneys in
18 connection with some discovery requests we made.
19 Can you tell me what this exhibit shows?

20 A. That I paid the parking tickets.

21 Q. Okay. As far as you know, are these receipts for
22 the parking tickets that we talked about earlier
23 when we were looking at Defendant's Exhibit A,

1 the parking tickets you received in March of 2018
2 and March of 2019?

3 A. I think so.

4 Q. Okay. You believe these to be receipts for
5 payments you made in connection with those
6 parking tickets?

7 A. Yes.

8 Q. Okay. If we could go to paragraph three
9 seventy-one of Defendant's Exhibit A. Would it
10 be fair to say that paragraph three seventy-one
11 of Defendant's Exhibit A references four other
12 instances where you received a parking ticket?

13 A. Yes.

14 Q. Fair to say that in each of these instances your
15 car was parked outside your home?

16 A. Yes.

17 Q. Your current address?

18 A. Yes.

19 Q. Were each of these tickets for an expired
20 inspection sticker, if you recall?

21 MS. WILLIAMS: Objection.

22 THE WITNESS: I don't recall.

23 MS. WILLIAMS: You can answer. Answer if you recall

1 what each of those dates --

2 THE WITNESS: Huh?

3 MS. WILLIAMS: You can answer if you remember whether
4 or not on either of those dates you received a
5 ticket for expired inspection.

6 THE WITNESS: I don't recall.

7 BY MR. SAHASRABUDHE:

8 Q. Okay. So you know --

9 A. I know I had to pay something, but --

10 Q. You know that they were parking tickets, but as
11 you sit here today, you can't recall exactly what
12 they were for?

13 A. If they was in the parking lot, it was for the --
14 something that the city police or something came
15 in there and did, but -- yeah. And I had a valid
16 parking permit. Okay.

17 Q. I guess, okay. Do you specifically recall
18 getting a ticket on November 5th of 2017?

19 A. I can't recall all that.

20 Q. Okay.

21 A. No. If I got it, I paid it.

22 Q. Right. How about November 11th, 2017?

23 MS. WILLIAMS: Objection. The date.

1 BY MR. SAHASRABUDHE:

2 Q. Or sorry. November 5th of 2016?

3 A. I don't remember all that stuff, but I know if I
4 got them I had to pay.

5 Q. Okay.

6 A. So I don't remember all them dates specifically.

7 Q. Right. And do you remember specific, for any of
8 these instances that are alleged in paragraph
9 three seventy-one, do you recall a specific
10 violation that you were cited for?

11 A. No, I can't recall.

12 Q. Okay. Did you ever challenge any of the
13 citations in court?

14 A. I can't recall.

15 Q. And as far as you're aware, any citation or
16 ticket you received, you've paid the fine for?

17 A. Yes.

18 Q. All right. Miss Sarmiento, other than this March
19 2018 incident where you found two parking tickets
20 on your car, have there been any other incidents
21 that you can recall where you received two
22 tickets at one time?

23 A. Not since then.

1 Q. How about before then?

2 A. Before?

3 Q. Before March of 2018, was there another time
4 where you got two tickets at the same time?

5 A. I can't recall.

6 Q. You don't know one way or the other, as you sit
7 here today?

8 A. I said I can't recall.

9 Q. Right. You can't recall one way or the other, as
10 you sit here today?

11 A. I'm not sure. I don't know.

12 MR. SAHASRABUDHE: That's all I have.

13 MS. WILLIAMS: I just have two questions.

14 THE WITNESS: Of me?

15 MS. WILLIAMS: Yes.

16

17 EXAMINATION BY MS. WILLIAMS:

18

19 Q. Miss Sarmiento, are you familiar with what region
20 of the City of Buffalo is described as the East
21 Side?

22 A. Yes.

23 Q. Okay. Can you explain in your own words what the

1 area that is commonly referred to as the East
2 Side is, can you describe the areas that are
3 commonly referred to as East Side?

4 A. You mean the streets or like Jefferson, Broadway,
5 Michigan, William Street.

6 MR. SAHASRABUDHE: Note my objection to the form.

7 BY MS. WILLIAMS:

8 Q. Okay. Thank you. And do you often visit the
9 East Side?

10 A. Yes. Because that's where I came from.

11 Q. Okay. Have you ever observed a checkpoint being
12 operated on the East Side?

13 A. Like I said, the checkpoints that I did see, we
14 turned around. The people that I was with.

15 Q. Okay. And how many times do you think you have
16 observed a checkpoint on the East Side?

17 A. I think maybe twice.

18 Q. Do you have any family members that have been
19 through checkpoints?

20 MR. SAHASRABUDHE: Form.

21 THE WITNESS: I can't say.

22 BY MS. WILLIAMS:

23 Q. Okay.

1 A. You know, they probably have, I can't pinpoint
2 it.

3 Q. Okay. Marine Drive, you testified earlier that
4 you live in the Marine Drive Apartments, correct?

5 A. Correct.

6 Q. And is there a parking area that is reserved for
7 the residents of Marine Drive?

8 A. Yes, it is.

9 Q. Can the general public park in Marine Drive?

10 MR. SAHASRABUDHE: Form. You can answer.

11 BY MS. WILLIAMS.

12 Q. You can answer. Can the general public, can I
13 just park in Marine Drive?

14 A. They have a visitors parking lot.

15 Q. Okay. And are -- do the people who live in the
16 Marine Drive Apartments, are they allotted a
17 parking space?

18 A. What you mean, a specific one?

19 Q. Yes.

20 A. No.

21 Q. Okay. You can park in whatever space?

22 A. Yes. But you gotta have your parking thing.

23 Q. Okay. And do you think, to the best of your

1 knowledge, are the police supposed to be issuing
2 tickets in the Marine Drive parking lot?

3 MR. SAHASRABUDHE: Form.

4 THE WITNESS: No. Because it's supposed to be
5 private, restricted for residents.

6 MS. WILLIAMS: Okay.

7 THE WITNESS: For patrons.

8 MS. WILLIAMS: Okay. Thank you. That's it. Nothing
9 further.

10 MR. SAHASRABUDHE: Nothing further. Thank you.

11 THE WITNESS: Thank you.

12

13

* * * *

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23

1 I HEREBY CERTIFY that I have read the
2 foregoing 54 pages and that, except as to those
3 changes set forth in the attached errata form(s),
4 they are a true and accurate transcript of the
5 testimony given by me in the above-entitled
6 action on December 13, 2022.

7

8

9

10

11 SHIRLEY SARMIENTO

12

13

14

Sworn to before me this

15

16

____ day of _____ 2023.

17

18

19

20

Notary Public.

21

22

23

1 STATE OF NEW YORK)

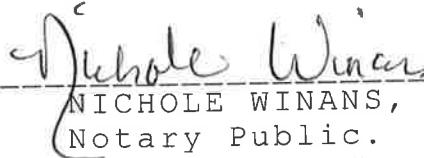
2 SS:

3 COUNTY OF ERIE)

4

5 I, Nichole Winans, a Notary Public in and
6 for the State of New York, County of Erie, DO
7 HEREBY CERTIFY that the testimony of SHIRLEY
8 SARMIENTO was taken down by me in a verbatim
9 manner by means of Machine Shorthand, on December
10 13, 2022. That the testimony was then reduced
11 into writing under my direction. That the
12 testimony was taken to be used in the
13 above-entitled action. That the said deponent,
14 before examination, was duly sworn by me to
15 testify to the truth, the whole truth and nothing
16 but the truth, relative to said action.

17 I further CERTIFY that the above-described
18 transcript constitutes a true and accurate and
19 complete transcript of the testimony.

20
21 
22 NICHOLE WINANS,
23 Notary Public.

ERRATA FORM

PAGE _____ LINE _____ CORRECTION: _____

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